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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bruce A. Phillips et al.

Serial No.: 09/265,214

Filed: March 10, 1999

For: xDSL-BASED COMMUNICATION SYSTEM

Attorney Docket No.: 1552 (USW 0506 PUS)

Group Art Unit: 2663

Examiner: Soon D. Hyun

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Mail Stop AF
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated November 17, 1004 in the above-identified patent application.

02/22/2005 MAHMD1 00000047 09265214

01 FC:1401 500.00 OP

Adjustment date: 06/20/2005 SDIRETA1

02/22/2005 MAHMD1 00000047 09265214

01 FC:1401 -500.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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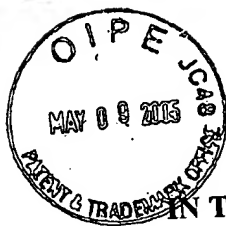
February 16, 2005
Date of Deposit

Jeremy J. Curcuri
Name of Person Signing

Jeremy J. Curcuri
Signature

RepIn. Ref: 06/20/2005 SDIRETA1 0009305600
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Room 807
Request For Refund Of Fee (37 C.F.R. 1.26)

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BRUCE A. PHILLIPS ET AL.

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REQUEST FOR REFUND OF FEE (37 C.F.R. 1.26)

Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the Director refund the Notice Of Appeal fee of \$500 (check no. 078801 dated February 16, 2005). The Notice Of Appeal of concern was mailed on February 16, 2005. Applicant is still pursuing an appeal in this application.

No fees are believed to be due for the pursuit of the current appeal because, according to the statute, Applicant may appeal to the Board of Patent Appeals and Interferences having once paid the fee for such appeal. In that regard, appropriate fees for pursuit of an appeal have already been paid with the previous Notice Of Appeal filed October 6, 2003 and the Appeal Brief filed February 12, 2004.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 6, 2005
Date of Deposit

Jeremy J. Curcuri
Name of Person Signing

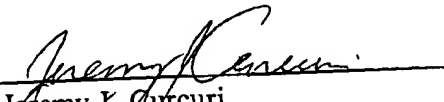
Signature

S/N: 09/265,214

If it is determined that a refund of the fee is appropriate, Applicant requests that the overpayment be credited to our Deposit Account No. 02-3978.

Respectfully submitted,

BRUCE A. PHILLIPS ET AL.

By 
Jeremy J. Curcuri
Reg. No. 42,454
Attorney for Applicant

Date: May 6, 2005

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